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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the initial report of the Holy See

Addendum

Information received from the Holy See on follow-up to the concluding observations*

[Date received: 26 May 2015]

Introduction

1. The Holy See, on behalf of Vatican City State, inspired by the general principles of international law, including the rules of good faith, *pacta sunt servanda* and treaty interpretation,[1] welcomes the opportunity, in accordance with article 19.3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[2] to respond to the Concluding Observations (CAT/C/VAT/CO/1) presented by the Committee Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter "The Committee").[3]

2. In particular, the Holy See wishes to comment on certain statements made by the Committee in its Concluding Observations as well as the General Comments[4] cited therein. To this end, the comments of the Holy See are divided into seven Parts. Part I will

* The present document is being issued without formal editing.

[1] See for example, Vienna Convention on the Law of Treaties (hereinafter referred to as "VCLT"), United Nations, Treaty Series, vol. 1155, p. 331 (23 May 1969), preamble and articles 26, 31–33.

[2] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force on 26 June 1987.

[3] Committee against Torture, Concluding Observations on the Initial Report of the Holy See, CAT/C/VAT/CO/1, 17 June 2014.

[4] Committee against Torture, General Comment No. 1: Implementation of article 3 of the Convention in the Context of article 22, 21 November 1997 (hereinafter referred to as "General Comment 1"); Committee Against Torture, General Comment No. 2: Implementation of article 2 by States Parties, 24 January 2008 (hereinafter referred to as "General Comment 2"); and Committee Against Torture, General Comment 3: Implementation of article 14 by States Parties, 19 November 2012, (hereinafter referred to as "General Comment 3").

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underline key points concerning the status of the Holy See in international law and accession of the Convention on behalf of Vatican City State. Part II will consider the Concluding Observations in relation to the laws and regulations of Vatican City State in general. Part III will discuss the Concluding Observations in connection with the issue of jurisdiction. Part IV will consider the Concluding Observations as they relate to the definition of torture. Part V will comment on the Concluding Observations with respect to prevention. Part VI will review the mandate of the Committee. Part VII will provide a response to the Committee's request for further information by the Committee.

I. The Holy See, Vatican City State and the Convention

3. The position of the Holy See, within the international juridical system, as a sovereign subject of international law is well-known. The Holy See operates like other subjects of international law within the international community, while maintaining its particular nature as well as its specific mission and end. For this reason, the Holy See ratifies treaties, and when appropriate, it accedes to conventions on behalf of Vatican City State, subject to the necessary evaluation of those conventional norms which concern the nature and the particular function of the internal juridical system of this State.

4. The obligations of the Holy See under the Convention have been clearly articulated in its Instrument of Accession, Interpretative Declaration and Initial Report.[5] The Holy See, in affirming its proper nature as a subject of international law, reiterates that the international obligations assumed upon adherence to the Convention are fulfilled solely through the implementation of the aforementioned duties within the territory of Vatican City State, on whose behalf the Holy See became a party to the Convention. Consequently, the assertion in paragraph 8 of the Concluding Observations that "the Convention applies exclusively to the Holy See" is clearly erroneous and incompatible with the Holy See's Interpretative Declaration (see also the discussion *infra* under Part VII).[6]

5. As the Holy See explained in the Interpretative Declaration and its Initial Report, beyond the territory of Vatican City State, in specific regard to acts of torture as well as the prevention of other cruel, inhuman or degrading treatment or punishment, the Holy See disseminates basic principles recognized in the Convention to all persons of goodwill and thereby "lends its moral support and collaboration to the international community, so as to contribute to the elimination of recourse to torture which is inadmissible and inhuman."[7]

II. Concluding Observations in General

6. The Holy See takes note with satisfaction that the Committee has recognized significant amendments to the Criminal Code, Code of Criminal Procedure and the 2012 draft regulations of the Department of Security Services and Civil Protection in Vatican City State. In particular, the Committee appreciates that the law: a) contains "a definition of

[5] Holy See, Initial Report on the Convention against Torture, CAT/C/VAT/1, 8 March 2013, submitted to the Committee on 7 December 2012; see also, the Presentation of the Initial Periodic Report of the Holy See to the Committee on the Convention against Torture, 5 May 2014.

[6] CAT/C/VAT/CO/1, *supra* note 3, at para. 8 (Treaties are not usually described as "applying" to a State Party, but rather "binding" upon one; and as a general rule, treaties are "applied" "[u]nless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory." VCLT, *supra* note 1, article 29).

[7] CAT/C/VAT/1, *supra* note 5, at para. 3.f.; see also the Presentation of the Initial Periodic Report of the Holy See to the Committee on the Convention against Torture, 5 May 2014, paras. 7 and 19.

torture and other elements set forth in the Convention;"[8] b) establishes basic legal safeguards "concerning legal protections for persons deprived of their liberty";[9] c) enables the consideration of complaints or "allegations of violations of the Convention" in a prompt, thorough and impartial investigation;[10] d) prohibits expelling, returning or extraditing a person to a State, where the person might be tortured.[11]

7. As for the recommendation contained in paragraph 21 of the Concluding Observations concerning the human rights' training of the Gendarmerie Corps in Vatican City State, the Holy See would simply add that specific training on the provisions of the Convention already forms part of the programme.[12]

8. In specific regard to paragraph 9 of the Concluding Observations the Holy See reaffirms that an attempt to commit torture as well as an act by any persons which constitutes complicity or participation in torture are prohibited under the criminal laws of Vatican City State.[13]

III. Concluding Observation Paragraph 8: Jurisdiction

9. With respect to paragraph 8 of the Concluding Observations which maintains that obligations under the Convention concern both "acts and omissions" of public officials or other persons acting in an official capacity "wherever they exercise effective control over persons or territory",[14] the Holy See would like to emphasize that these assertions are not found in the text of the Convention, and cannot be accepted. Moreover, the Holy See considers that such dubious interpretations amount to new treaty obligations that could extend well beyond the territorial jurisdiction of any State Party, while greatly distorting the mandate of the Committee.

10. The laws of Vatican City State clearly meet the obligations under article 2 of the Convention, which exclusively regards preventing "acts of torture" and provides that States Parties "shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction" (art. 2.1). This essential phrase clarifies application of treaty obligations and is repeated in other articles (see e.g., arts. 5, 11, 12, 13 and 16).

11. The laws of Vatican City State also adhere to article 5 of the Convention, which deals with measures to establish jurisdiction over "offences" referred to in article 4 regarding "all acts of torture" under "criminal law".[15] It is noteworthy that when those who drafted the Convention addressed the issue of legal undertakings, they attributed a wider scope to article 5 and did not adopt the line of reasoning now being put forward by the

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[8] CAT/C/VAT/CO/1, *supra* note 3, at para. 9.

[9] Id., at para. 15.

[10] Id., at para. 16.

[11] Id., at para. 20.

[12] CAT/C/VAT/1, *supra* note 5, at para. 48.

[13] The 1889 Italian Code of Penal Law, Title V: Attempts, arts. 61–62, Title VI: Participation of Persons in the same crime, arts. 63–66, as received, modified and integrated into the legal system of the laws of Vatican City State (cf. Law of 1 October 2008, N. LXXI, arts. 7; cf. Law of 7 June 1929, N. II promulgated Motu Proprio on the Sources of Law).

[14] General Comment 2, *supra* note 4, at para. 7; see also para. 16 (where the Committee suggests that the phrase "any territory under its jurisdiction" includes "any territory or facilities…subject to the de jure or de facto control of a State party.")

[15] Pontifical Commission for Vatican City State, Law N. IX: Amendments to the Criminal Code and the Code of Criminal Procedure (11 July 2013), arts. 1–4.

Committee. Accordingly, each State Party is obliged to take measures to establish jurisdiction over the offences when such "offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in the State" (art. 5.1.a), "when the alleged offender is a national of that State" (art. 5.1.b), and when "the alleged offender is present in any territory under its jurisdiction and it does not extradite" (art. 5.1.c.).[16]

IV. Concluding Observation Paragraph 9: Definition of Torture

12. In stating that the laws of Vatican City State contain "a definition of torture and other elements set forth in the Convention,"[17] the Committee acknowledges that the crime of torture in the criminal laws of Vatican City State is congruent with the definition of torture in the Convention.[18] It is worth highlighting that the material elements of the crime of torture in Vatican City State are those set out in article 3.1 of Law N. VIII: Supplementary Norms on Criminal Law Matters, which reads: "The public official having judicial, judicial police or law enforcement functions, as well as whoever performs in an official capacity a similar or analogous role, and whoever, under their instigation or with their consent or acquiescence, inflicts severe pain or suffering, whether physical or mental, to a person in order to obtain from him or a third person some information or a confession, or to punish him for an act that he or a third person has committed, or is suspected of having committed, or to intimidate or coerce him or a third person, or for any other reason based on any kind discrimination, is punished with five to ten years imprisonment."[19]

13. With specific regard to paragraph 9 in the *Concluding Observations*, it should be noted that the term "public official" is a constitutive element of the crime of torture in Vatican City State laws and is defined as one "having judicial, judicial police or law enforcement functions, as well as whoever performs in an official capacity a similar or analogous role, and whoever, under their instigation or with their consent or

[16] Each State may establish jurisdiction over offences when the victim is a national of that State (CAT, article 5.1.c.).

[17] CAT/C/VAT/CO/1, *supra* note 3, at para. 9.

[18] The Convention, *supra* note 2, in accordance with article 27 (1), provides at article 1: "1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. 2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application."

[19] Pontifical Commission for Vatican City State, Law N. VIII: Supplementary Norms on Criminal Law Matters (11 July 2013), Chapter I, Crimes Against the Person (Torture), article 3.1. See also articles 3.2 to 3.5 which provide: "The penalty is increased by one-half if the offence results in serious injury or if it is committed against a minor. The penalty is doubled if the offence results in an injury of the utmost gravity. 3. If, as an unintended consequence of the offence, the victim dies, the penalty shall be of no less than fifteen years imprisonment. 4. The offence does not exist when the pain or suffering arises from, is inherent to, or is caused by legitimate measures or sanctions. 5. The offence is not justified by an order from a superior officer or a public authority, nor by a state of war or a threat of war, nor by internal political instability or any other exceptional circumstances. 6. No statement made under torture may be invoked or used as evidence in any proceedings, except against a person accused of torture, in order to prove that such a statement was made."

acquiescence."[20] Therefore, it cannot be denied that the crime of torture in Vatican City State laws properly reflects the object and purpose of the Convention in obliging States Parties to prohibit and prevent acts of torture on persons who might be detained, arrested or otherwise deprived of their liberty by a pertinent "public official or other person acting in an official capacity", as set out in the Convention (art. 1). In this regard, it is noteworthy that, in any case, it falls to the State to determine precisely such circumstances, under its juridical power and in reference to its own laws. Indeed, the Convention leaves it to the State to determine precisely how "all acts of torture are offences under its criminal law" (art. 4), taking into consideration the definition of torture for the purposes of the Convention.

V. Concluding Observation Paragraph 10: Prevention and Purely Private Acts

14. With respect to paragraph 10 of the *Concluding Observations* on the prevention of torture (art. 2) and other state-sponsored acts of cruel, inhuman and degrading treatment or punishment which do not amount to torture (art. 16), the laws and regulations of Vatican City State are in conformity with the Convention, since efforts have been made and are ongoing to prevent both categories of acts, according to the Convention, namely through the establishment of programmes to train designated persons (art. 10); review interrogation rules and practices (art. 11); investigate complaints (art. 12); and respect the right to complain (art. 13).

15. The object and purpose of the Convention, as noted above, is concerned with preventing state-sponsored acts of torture and other cruel, inhuman or degrading treatment or punishment by the State, and does not involve the prevention of "purely private acts" of violence. Indeed, the State is to ensure the common good of society, which includes the provision of a just and stable public order, so as to guarantee the security of persons from private acts of physical abuse or violence by private actors. This is achieved generally through national criminal law within the domestic jurisdiction of a State and does not specifically derive from an obligation under the Convention. In that regard, the Holy See takes the opportunity to underline that intervention "in matters which are essentially within the domestic jurisdiction" of a State is something prohibited in international law.[21]

16. Along these lines, and in regard to the term "due diligence" in paragraph 10 of the Concluding Observations, the word is not found in the Convention, much less a "due diligence standard". The Committee, however, is using such language to support its proposal that States Parties are obliged to prevent "purely private acts" of violence.[22] For example, the Committee, in General Comment No. 2, suggests that States Parties are responsible for an omission or "failure to prevent and protect victims from gender-based violence such as rape, domestic violence, female genital mutilation, and trafficking".[23] Such

[20] Id., article 3: "The public official having judicial, judicial police or law enforcement functions, as well as whoever performs in an official capacity a similar or analogous role, and whoever, under their instigation or with their consent or acquiescence."

[21] United Nations, Charter of the United Nations, 24 October 1945, Vol. 1 United Nations Treaty Series, XVI, article 2.7.

[22] CAT/C/VAT/CO/1, *supra* note 3, at para. 10, cf. General Comment No. 2.

[23] General Comment 2, *supra* note 4, at para. 18 (The principle applied is the following: "Since the failure of the State to exercise due diligence to intervene ...DELETE enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission."). The Committee has also included parent-child correction in the home which it describes as "corporal punishment" (see, for example,

an assertion constitutes a distortion of the Convention, which, in turn, expands the mandate of the Committee.

17. Similarly, the Committee suggests that the sexual abuse of a minor by a cleric falls within the scope of the Convention and, for the reasons given above, (supra in Parts I-V), the assertion is problematic. In addition, as regards the particular reference by the Committee to canon law, the Holy See, once again, would like to make clear that, even though canon law is a primary source for the laws of Vatican City State, its specific nature as a body of law that presumes revealed faith means that not all its norms are relevant for the implementation of the Convention in Vatican City State. In particular, penal canon law provides certain sanctions for breaches specifically relating to the public order of the ecclesial society (e.g. dismissal from the clerical state, penances). This also means that canon penal law "differs greatly from State criminal laws and [is] not intended to usurp or otherwise interfere with them or with State civil actions,"[24] including those of Vatican City State. Concerning the distinctions between penal canon law and State criminal laws, States Parties are referred to the Second Periodic Report of the Holy See on the Convention on the Rights of the Child.[25]

VI. Mandate of the Committee

18. According to articles 17 to 24 of the Convention, the Committee shall carry out specific functions, and in particular regard to the obligation of States Parties to submit periodically reports, the tasks of the Committee are set out in article 19. Pursuant to these stipulations, all States Parties should be concerned by the fact that the Committee no longer views its mandate as specified according to the ordinary meaning of the words of the Convention. For example:

(a) The Committee has rightly stated that: "it is not an appellate, a quasi-judicial or an administrative body".[26] But, contrary to the Convention as well as its own admissions along with basic principles of international law, the Committee refers to its own recommendations as "jurisprudence".[27]

(b) The Committee unilaterally builds upon the articles and expands the scope of measures required to prevent torture[28] and depends on article 2 as "the foundation of the Committee's authority", rather than articles 17 to 24 of the Convention.

(c) The Committee rightly gives "general comments on the [State] report" (art. 19.3), in the form of "Concluding Observations", but this does not mean that the Committee has a mandate to develop "General Comments" that pertain to specific articles

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Annual Report of the Committee Against Torture to General Assembly A/67/44 2012, at pp. 34, 42). It is noteworthy that another treaty body recommends the term "corporal punishment" in relation to: "'smacking', 'slapping', 'spanking' children, with the hand" and "non-physical forms of punishment", (Committee on the Rights of the Child, General Comment No. 8, CRC/C/GC/8, 2 March 2007, para. 11).

[24] Holy See, Second Periodic Report on the Convention on the Rights of the Child, CRC/C/VAT/2, 22 October 2012, at para. 98.

[25] *Id.*, at paras. 98 a-h.

[26] General Comment No. 1, *supra* note 4.

[27] Committee Against Torture, Summary Record of the 1223rd Meeting, Consideration of Reports submitted by States Parties under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Initial Report of the Holy See, CAT/C/SR.1223, 22 May 2014, para. 24.

[28] General Comment 2, *supra* note 4, at para. 1.

of the Convention itself. In this context, the Holy See observes that the Committee has been developing general recommendations for all States Parties, a function which is not foreseen by the Convention.

19. As a consequence, all States Parties should be troubled by the fact that the Committee, contrary to the Convention and basic principles of international law, has attempted to expand, in a unilateral and systematic way, its mandate and, in turn, has created new treaty obligations for States Parties. The following examples are particularly noteworthy.

(a) The Convention acknowledges two distinct and separate categories of acts, namely: i) acts of torture; and ii) other acts of cruel, inhuman or degrading treatment or punishment but, contrary to the Convention, the Committee considers them to be virtually the same (see also *infra* para. 19. c.).[29]

(b) The Convention obliges States Parties to ensure that "all acts of torture are offences under its criminal law"; in other words, it does not require States Parties to name and define a crime of torture so long as all "acts of torture" are considered criminal offences. Yet, the Committee promotes the enactment of a separate crime of torture as a treaty obligation and thus alters the meaning of the Convention.[30]

(c) The Convention obliges States Parties to prevent other acts of cruel, inhuman or degrading treatment or punishment under article 16, in specific regard to articles 10 to 13 of the Convention but, contrary to the Convention, the Committee maintains that States Parties have also a duty "to prosecute [such] conduct"[31] and claims that articles 3 to 9 and 14 to 15 "are likewise obligatory".[32]

(d) The Convention obliges States to take measures to prevent acts of torture in "any territory under its jurisdiction" pursuant to article 2, and to establish jurisdiction over criminal offences in accordance with article 5. Here again, the Committee-constructs novel duties under the Convention when it promotes the principle that States Parties have treaty obligations "wherever [public officials] exercise effective control over persons or territory",[33] inclusive of "contexts where the failure of the State to intervene encourages and enhances the danger of privately inflicted harm".[34]

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[29] While the Holy See is aware that the definitional threshold between each category may be difficult to determine at times, the plain meaning of the Convention, as negotiated and ratified by States Parties, makes certain distinctions between torture, on the one hand, and other acts not amounting to torture on the other hand. These differences have also been highlighted by the Committee, but in an incongruent manner since the Committee also makes recommendations that States Parties should treat them in the same. For example, the Committee notes: "In practice, the definitional threshold between ill-treatment and torture is often not clear", then later described the two categories as "indivisible" (General Comment 2, *supra* note 4, at para. 3).

[30] At first, the Committee merely indicated the desirability of naming and defining a specific crime of torture (General Comment 2, *supra* note 4, at para. 11), but now seeks to construct an obligation in stating: "The failure of States Parties to enact legislation that clearly incorporates their obligations under the Convention and criminalizes torture and ill-treatment, and the resulting absences of torture and ill-treatment as criminal offences". (General Comment No. 3, *supra* note 4, at para. 19).

[31] General Comment 2, *supra* note 4, at para. 10.

[32] Id., para. 6; see also similar recommendations at paras. 3 and 25.

[33] Id., para. 7; see also para. 16 (where the Committee suggests that the phrase "any territory under its jurisdiction" includes "any territory or facilities subject to the de jure or de facto control of a State party.")

[34] Id., para. 15; see also Id., para. 25 (where the Committee "emphasizes that the obligation to take effective measures transcends the items enumerated specifically in the Convention…[and]

(e) The Convention contains no reference to a "due diligence" standard with respect to prevention. Therefore, it is surprising to note that the Committee employs this standard as a way to extend States' obligations. An example of this is the broadening of treaty obligations concerning public officials and persons in an official capacity (art. 1.1 of the Convention) to non-State officials and private actors (see for example, *supra* para. 9). Such liberty in interpreting the Convention goes, again, well beyond the mandate of the Committee.

(f) The Convention does not specify any grounds of discrimination in the definition of torture. However, the Committee has descended into unnecessary detail in promoting ambiguous and highly controversial expressions, through which it incorporates an ideological agenda,[35] inclusive of references to "sexual orientation",[36] "gender identity"[37] and "transgender identity".[38] In particular, the Holy See regrets efforts by the Committee to promote "abortion"[39] and, under the same name, cases of infanticide,[40] both of which are contrary to international law,[41] and offend common sense understandings of the right to life of the unborn and born child. The Holy See further regrets those efforts which reveal a disregard for religious liberty, particularly as regards the autonomy of religious communities to express their doctrine, manifest their faith and worship freely.

20. In conclusion, the Holy See is concerned about the dilution of the meaning of torture under the Convention. The Committee has strayed so significantly from the text of the Convention and basic principles of international law, virtually creating a parallel Convention that no longer deals with state-sponsored torture and state-sponsored ill-treatment but rather the general power of the State to protect persons from all forms of violence.

VII. Response to Follow-up Information

21. After persistent questioning by the Committee on matters clearly beyond the scope of the Convention, as well as the obligations acceded to on behalf of Vatican City State, the Holy See — in a spirit of dialogue — replied to these questions. Such a response, however, should not be interpreted as a change in position, a position that has been clearly expressed in the *Initial Periodic Report* of the Holy See and re-affirmed in these Comments.

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acknowledges the importance of adapting the concept of monitoring conditions to prevent torture or ill treatment to situations where violence is inflicted privately").

[35] General Comment 3, *supra* note 4, at para. 39 ("States parties shall ensure due attention to gender in providing all the elements cited above in the process of ensuring that everybody, in particular members of groups made vulnerable, including lesbian, gay, bisexual and transgender (LGBT) people.").

[36] General Comment 2, *supra* note 4, at paras. 21 and 22; see also General Comment 3, *supra* note 4, at paras. 8 and 32.

[37] General Comment 3, *supra* note 4, at para. 32.

[38] General Comment 2, *supra* note 4, at para. 21.

[39] Committee Against Torture, Summary Record of the first part of the 1220th Meeting, Consideration of Reports submitted by States Parties under article 19 of the Convention, Initial Report of the Holy See, CAT/C/SR.1220, 23 June 2014, paras. 8, 10.

[40] CAT/C/SR.1223, *supra* note 27, at para.10.

[41] See for example, the Convention on the Rights of the Child, to which the Holy See is a State Party: children are defined as under 18 (art. 1), require "legal protection, before as well as after birth," (preamble para. 9), have "right to life" (art. 6) as well as the right to "pre-natal and post-natal health care" (art. 24.2.d), and should not be discriminated against on the basis of "birth" (art. 2).

22. The Concluding Observations in paragraph 8 erroneously suggest that: "the Convention applies exclusively to the Holy See". As previously discussed, according to this new phraseology, the Committee attempts to change the basis upon which the Holy See consented to be bound by the Convention, and then, among other things:

(a) Urges the Holy See to amend its interpretative declaration and delete the reference that limits the applicability of the Treaty "insofar as it is compatible, in practice, with the peculiar nature" of Vatican City State;[42]

(b) Reads the crime of torture in the laws of Vatican City State to include a new definition of "public official" (see *supra* paragraph 8);

(c) Creates and applies a "due diligence standard" with a view to extending the Convention to apply to purely private acts by non-state actors;

(d) Makes a series of recommendations regarding matters clearly beyond the scope of the Convention and implementation of the same in Vatican City State (see for example, Concluding Observations in paragraphs 10, 11, 12, 13, 14, 17, 18, 19 and 22);

(e) Requests follow-up information on issues for which the Committee has no competence to request, and to which the Holy See has no obligation to respond.[43]

23. The Holy See recalls that it is only bound by the legal obligations set out in the Convention and by the rules of interpretation adopted in the Vienna Convention on the Law of Treaties, which the Holy See also ratified. In particular, a "treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given the terms of the treaty in their context and in light of its object and purpose" (art. 31).[44]

24. In conclusion, the Committee makes certain recommendations which disregard principles of international law that underpin every treaty (e.g. the sovereign equality and independence of all States, the non-interference in the domestic affairs of States as well as the principles of free consent, good faith and *pacta sunt servanda*).[45]

25. While the Holy See remains open to respond to pertinent questions of the Committee, the Holy See considers it unnecessary, under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to provide follow-up information on the matters requested in paragraph 26 of the Concluding Observations.

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[42] CAT/C/VAT/1, *supra* note 5, at paras. 1–2; see also the Presentation of the Initial Periodic Report of the Holy See to the Committee on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 5 May 2014, paras. 2 and 8.

[43] CAT/C/VAT/CO/1, *supra* note 3, at para. 26.

[44] CAT/C/VAT/CO/1, *supra* note 3.

[45] See for example, VCLT, *supra* note 1.